

Disposition of the Independent Review Panel



Complainant: Ms. Iris Webb

IRP Case: A 2002.381 Webb

Date: May 26, 2005

MDPD Case: IA 2002-0394

The Independent Review Panel met on May 26, 2005 for the purpose of publicly reviewing the complaint made by Ms. Iris Webb against the Miami-Dade Police Department and the department's response to that complaint. The following represents the findings of the Panel:

A. Recommendations

That MDPD clarify its "Justification to Detain for Interview" in the Departmental Manual (Chapter 25-01 Sec. 9 II). As written, the justification is confusing and leaves open too much room for interpretation by officers. Section 9 II appears to address non-consensual and consensual interviews. The Panel recommended Section 9 II to be amended as follows: (*see attached*)

1. Roman numeral II should be renamed, "Justification to Detain for *Non-Consensual* Interviews".
2. The second paragraph in II should stand alone, be classified as III and titled "Consensual Interviews." The paragraph should include specific guidelines for documenting voluntary participation by the interviewee. (This would result in subsequent renumbering of the remaining components of Section 9.)

B. Incident

On September 20, 2002, Ms. Webb's son, Terrence Webb, who was a 21 year old emotionally handicapped student at American Senior High, was sitting at a bus bench at 8:30 am. He was approached and detained by four Miami-Dade Police Officers who suspected he was a truant. After filing out a Field Interview Report, the officers allowed Mr. Webb to leave the scene.

C. Allegations

Mr. Webb alleged:

1. An unknown officer forcibly grabbed his arm and "pushed it away up toward his back," and moved him from the bus stop to the Burger King parking lot without cause.
2. An unknown officer told Mr. Webb, "Do you really want me to fucking harass you?"
3. An unknown officer searched Mr. Webb's pocket without justification.
4. An unknown officer asked unwarranted questions about Mr. Webb's gold teeth and his dreads.

D. Disposition of the Independent Review Panel

Regarding the Allegations:

The Independent Review Panel found the allegations to be **inconclusive**. There were no independent witnesses to support or refute Mr. Webb's allegations and all four officers stated they did not perpetrate or witness any of the alleged behavior.

D. Other Findings

1. Mr. Webb was 21 years old and attending classes at American High for emotionally disabled students at the time of the incident. Officers' statements confirm the officers were aware of Mr. Webb's condition.
2. Mr. Webb was detained because:
 - "He looked like a possible truant." – Det. Alonso
 - "I believe we thought he was a truant from school." –Det. Collada
 - "I saw the subject in question. It (sic) looked to be a truant." Sgt. Jarosz
3. Sgt. Jarosz, the supervisor, knew before he instructed his officers to run a check and write a Field Interview Report, that Mr. Webb was not a truant. The following is excerpted from Sgt. Jarosz' statement:

When I got out of my vehicle, the subject was standing by Detective Collada's car and he had his hands on the car. I approached and I asked him..."How old are you?" He stated at the time he was 20; I don't remember. It was 20 or 21.

And it was Detective Collada said [he] goes to American High School, and he stated he was from a special program at American High. And I said well, let's do a quick check, 24, via the radio, then we'll do an F.I. card, everything's QRU, and that will be the end of it.

4. The four officers involved were assigned to the Burglary Intervention Detail at the Miami Lakes District.
5. Three of the involved officers have prior sustained complaints:
 - Det. Collada: Discourtesy (1995)
 - Sgt. Jarosz: Departmental Misconduct/Improper Procedure (1999)
 - Det. Alonso: Departmental Misconduct/Improper Procedure (1991 and 1996), Departmental Misconduct/Discourtesy (1992).
6. MDPD Departmental Manual Chapter 25-01 Sec. 9 II "Field Interviews - Justification to Detain for Interview" contains confusing information.

The first paragraph imposes specific restrictions on when officers may fill out a Field Interview Report: *An officer may approach and detain any person under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of criminal law... Officers must be able to express facts to support the detention under guidelines for a legal stop and frisk and must not act on a mere hunch.*

The second paragraph seems to nullify the first and give much more latitude: *A citizen may provide information for a Field Interview Report consensually, without the need for an officer to possess probable cause, founded suspicion, or any other information indicating illegal activity.*

7. The Field Interview Report performed by the officers on Mr. Webb was in compliance with the MDPD Departmental Manual. The officers had reasonable suspicion to believe that Mr. Webb was a truant from American High. (He was young and sitting on a bus bench at 10 am on a Friday morning.) Also, the statements Mr. Webb gave were consensual. At no time was Mr. Webb placed in handcuffs or informed that he was under arrest. He was allowed to leave the scene seven minutes after the stop; as was documented by all four of the officers' Daily Activity Reports (10:35-10:42).

E. Observations to Promote Healthy Police/Citizen Interactions:

Police officers should remember that "effective law enforcement depends on a high degree of cooperation between the Department and the public... [Officers] shall be courteous and civil to the public, avoiding harsh, violent, profane, or insolent language or manner, and shall maintain objective attitudes regardless of provocation."

The Independent Review Panel concluded the complaint on May 26, 2005.

Independent Review Panel

Staff Recommendation to the Panel

May 26, 2005

Complaint: A 2002.381

MDPD Case: IA 2002-0394

Complainant: Ms. Iris Webb

Aggrieved Party: Mr. Terrence Webb, Iris Webb's son

Accused Party: Miami-Dade Police Department (MDPD) Sgt. Edward Jarosz, Detective Ramiro Alonso, Detective Rolando Collada, Detective Javier Ruiz

Date Complaint Received: October 10, 2002

Materials Reviewed: Grievance Report Form, Correspondence, MDPD Case 2002-0394, staff notes, MDPD policies related to Field Investigation Reports

Complaint: Mr. Webb, 21, was dismissed from American High, where he attends classes for emotionally handicapped students, at 8:30 am on September 20, 2002. Mr. Webb proceeded to the bus stop located at NW 186th Street and NW 67th Avenue. After sitting for a few minutes, Mr. Webb saw a man staring at him while heading east in a Chevrolet Lumina. Mr. Webb "thought nothing of it and continued waiting at the bus stop."

Mr. Webb pulled out a cigarette to smoke, but before he could do anything, he heard a voice shout "Don't move!" from behind him. Mr. Webb did not move and looked up to see a man with an imprinted badge on his shirt. Mr. Webb stated his hand was then grabbed and bent into an upright position behind his back. The officer then led Mr. Webb to a next door Burger King where he pushed Mr. Webb against the police vehicle.

Mr. Webb asked the officer why he was harassing him and the officer replied "Do you really want me to fucking harass you?" Mr. Webb then noticed a second car pull up, the Chevrolet Lumina he saw earlier. Mr. Webb stated that the officer who pushed him began searching his pockets, saying "You know the routine." Mr. Webb contends that the officer pulled out his school work permit.

When Mr. Webb asked the officers "Why are you doing this?" he was told that the officers "thought (he) was skipping school." Mr. Webb states that an officer with a pad began asking him questions after his school identification was found, such as what his address, how many gold teeth he had and how long his dreads were. Mr. Webb also claims he heard some racial comments followed by laughter. The officers then allowed Mr. Webb to pick up his belongings from off the hood of the patrol car and leave.

Mr. Webb alleges:

1. An unknown officer forcibly grabbed his arm and "pushed it way up toward his back," and moved him from the bus stop to the Burger King parking lot without cause.
2. An unknown officer told Mr. Webb, "Do you really want me to fucking harass you?"
3. An unknown officer searched Mr. Webb's pocket without justification.
4. An unknown officer asked unwarranted questions about Mr. Webb's gold teeth and his dreads.

Department Response: MDPD Case IA 2002-0394

Statement of Detective Rolando Collada (Miami Lakes District, GIU)

Det. Collada stated that on September 20, 2002, Sgt. Edward Jarosz advised him that he believed he saw a truant from American High sitting on the bus bench on Miami Gardens Drive. Det. Collada advised when he saw the person in question he too believed the person was a truant. Det. Collada stated he did not recall Mr. Webb having anything in his hands. Det. Collada then approached Mr. Webb and escorted him to his patrol vehicle which was parked at the adjacent Burger King. Det. Collada advised that he did not, nor did he witness, any officer physically escort Mr. Webb to the police vehicle. He also advised he did not witness any officer grab Mr. Webb by his wrist and push it up toward his back. Det. Collada stated Mr. Webb provided his school ID card to him and that he logged the ID number on his Field Interview Report. After a record check was completed, Det. Collada allowed Mr. Webb to leave. Det. Collada stated that he did not use any profanity toward Mr. Webb nor did he hear anyone say to Mr. Webb, "Do you really want me to fucking harass you?" Det. Collada stated he did ask Mr. Webb about the length of his "dreads" and how many gold teeth he had in his mouth in order to fill out his Field Interview Report. Det. Collada added that those questions are legitimate identifiers and were not racially motivated. Det. Collada also stated he was surprised IA took so long to conduct its investigation because Mr. Webb had stated he was going to inform IA of the encounter.

Statement of Sergeant Edward Jarosz (Miami Lakes District, GIU)

Sgt. Jarosz advised that on the date in question he observed a male at a bus bench on the north side of Miami Gardens Drive. Sgt. Jarosz advised he asked Det. Collada to drive by and see if he recognized the male as being a student from American High. Sgt. Jarosz stated Det. Collada notified him that the male (Mr. Webb) was a truant. Sgt. Jarosz stated he observed Det. Collada park his vehicle at the adjacent Burger King and approach Mr. Webb on foot. He also stated he saw Detectives Ramiro Alonso and Javier Ruiz arrive with Det. Collada. Sgt. Jarosz stated he saw no one physically escort Mr. Webb to the parking lot. Sgt. Jarosz stated he then joined the other officers and observed Det. Ruiz conducting a subject check on the police radio and Det. Collada completing a Field Interview Report. Sgt. Jarosz stated he learned that Mr. Webb was a student from American High and he was 20 to 21 years old. Sgt. Jarosz advised he did not nor did any other officer use profanity toward Mr. Webb and that they did not state to Mr. Webb, "Do you really want me to harass you?" or "Put your hands on the fucking car and spread your fucking legs." Sgt. Jarosz also stated he did not, nor did any other officer, grab Mr. Webb by the hand, bend it at the wrist, and push it up behind his back, causing pain and swelling. Sgt. Jarosz stated stopping Mr. Webb was not racially motivated and that the questions asked, such as how long Mr. Webb's dreadlocks were and how many gold teeth he had, were strictly for information to be listed on the Field Interview Report.

Statement of Detective Javier Ruiz (Miami Lakes District, GIU)

Det. Ruiz stated that on the date in question Sgt. Jarosz advised him by radio that he observed someone he believed was a truant. Det. Ruiz advised that he responded to the Burger King parking lot and saw Sgt. Jarosz, Det. Alonso and Det. Collada filling out a Field Interview Report with Mr. Webb. Det. Ruiz stated that when he first arrived he heard Mr. Webb telling the officers that they would see him again at Internal Affairs because he was going to file complaints against them. He stated he did not see Mr. Webb escorted to the parking lot. Det. Ruiz also stated he did not witness anyone grab Mr. Webb by the wrist and bend it back nor did Mr. Webb complain about excessive force, injury, pain or swelling. Det. Ruiz stated he did not, nor did anyone else, use profanity toward Mr. Webb. He also advised Mr. Webb was not stopped due to any racial indicators and that no one made any racially provocative statements to him about his gold teeth or dreadlocks. Det. Ruiz advised that once the report was completed Mr. Webb was allowed to leave.

Statement of Detective Ramiro Alonso (Miami Lakes District, GIU)

Det. Alonso advised that on September 20, 2002, he was assigned to the Burglary Intervention Detail and was patrolling the area where the incident occurred. He stated Sgt. Jarosz advised over the radio that he observed an individual he believed to be a truant from American High. Det. Alonso stated that he, Det. Collada and Sgt. Jarosz approached Mr. Webb. He stated Mr. Webb was escorted to the Burger King parking lot, walking on his own. Det. Alonso did not witness anyone grab Mr. Webb by the wrist and bend it toward his back nor did he complain of any injury. Det. Alonso recalled he did not use profanity toward Mr. Webb and did not ask him, "Do you really want me to fucking harass you?" Det. Alonso also stated he was standing far away from the other officers and could not hear if those statements were made. He advised there was no racial motivation for the stop and he did not ask, nor did he hear anyone ask Mr. Webb about his gold teeth or dreadlocks. Det. Alonso stated he did not see who was writing the Field Interview Report, however, Mr. Webb was allowed to leave once it was determined he was too old to be considered a truant.

MDPD Disposition: The following is quoted from the MDPD Disposition Panel memorandum dated October 17, 2003:

Allegation #1: Police detectives utilized excessive force against Terrence Webb by grabbing his hand, bending it at the wrist, and pushing it up behind his back, causing pain and swelling to his wrist. (Departmental Misconduct/Force Violation)

"NOT SUSTAINED"

The officers denied the allegation. There are no independent witnesses to refute the allegation.

Allegation #2: Police detectives used profanity toward Mr. Webb by asking, "Do you really want me to fucking harass you?" and by stating to him "Put your hands on the fucking car, and spread your fucking legs." (Discourtesy)

"NOT SUSTAINED"

The officers denied the allegation. There are no independent witnesses to refute the allegation.

Allegation #3: Police detectives asked Mr. Webb racially directed questions, such as how long were his “dreads” and how many gold teeth he had. (Discourtesy)

“EXONERATED”

The officers denied the allegation. The officer asked Mr. Webb how long were his dreads, and how many gold teeth he had to complete the Field Interview Report in the identifier section, and for no other reason.

Staff Remarks: The IRP received the MDPD file on December 3, 2004. Staff sent a copy of the file to the complainant on December 9, 2004 with a deadline to respond by December 23, 2004. Staff followed up with a phone call on January 5, 2004. There has been no response to date.

MDPD Departmental Manual

Chapter 12-01A “Law Enforcement Operations,” Number 1 reads as follows:

...Law enforcement consists of many diverse activities which are directed toward the attainment of objectives. Activities such as patrolling, conducting field interviews, and issuing traffic citations are not objectives in themselves; they are methods of achieving the objectives of preventing and deterring crime, deterring criminal offenders and preventing traffic crashes.

Chapter 25-01 Sec. 9 “Field Interviews” reads as follows:

I. Purpose: *Field interviews are an important crime prevention and information gathering tactic utilized by police officers.... Because police contacts may temporarily deprive citizens of their freedom of movement, the following justification and procedures must be rigidly adhered to.*

II. Justification to Detain for Interview: *An officer may approach and detain any person under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of criminal law. Non-uniformed personnel shall identify themselves by prominently displaying departmental credentials. Because the stop and detention may ultimately lead to an arrest and court appearance, officers shall rely on their knowledge and experience when deciding to detain a person for a field interview. Officers must be able to express facts to support the detention under guidelines for a legal stop and frisk and must not act on a mere hunch.*

A citizen may provide information for a Field Interview Report consensually, without the need for an officer to possess probable cause, founded suspicion, or any other information indicating illegal activity.

Staff Findings:

A. Regarding the allegations

Inconclusive. Staff did not find evidence, other than the word of Mr. Webb, to support the allegations. There were no witnesses to support Mr. Webb's claims. Four officers stated they did not grab Mr. Webb, use profanity or witness any officer commit the alleged behavior.

B. Other Findings:

1. Mr. Webb was 21 years old and attending classes at American High for emotionally disabled students at the time of the incident. Officers' statements confirm the officers were aware of Mr. Webb's condition.
2. Mr. Webb was detained because:
 - "He looked like a possible truant." – Det. Alonso
 - "I believe we thought he was a truant from school." –Det. Collada
 - "I saw the subject in question. It (sic) looked to be a truant." Sgt. Jarosz
3. Sgt. Jarosz, the supervisor, knew before he instructed his officers to run a check and write a Field Interview Report, that Mr. Webb was not a truant. The following is excerpted from Sgt. Jarosz' statement:

When I got out of my vehicle, the subject was standing by Detective Collada's car and he had his hands on the car. I approached and I asked him..."How old are you?" He stated at the time he was 20; I don't remember. It was 20 or 21.

And it was Detective Collada said [he] goes to American High School, and he stated he was from a special program at American High. And I said well, let's do a quick check, 24, via the radio, then we'll do an F.I. card, everything's QRU, and that will be the end of it.

4. The four officers involved were assigned to the Burglary Intervention Detail at the Miami Lakes District.
5. Three of the involved officers have prior sustained complaints:
 - Det. Collada: Discourtesy (1995)
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6. MDPD Departmental Manual Chapter 25-01 Sec. 9 II “Field Interviews - Justification to Detain for Interview” contains confusing information.

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The second paragraph seems to nullify the first and give much more latitude: *A citizen may provide information for a Field Interview Report consensually, without the need for an officer to possess probable cause, founded suspicion, or any other information indicating illegal activity.*

7. The Field Interview Report performed by the officers on Mr. Webb was in compliance with the MDPD Departmental Manual, if Mr. Webb consented to the interview. The officers had reasonable suspicion to believe that Mr. Webb was a truant from American High. (He was young and sitting on a bus bench at 10 am on a Friday morning.) However, the statements Mr. Webb gave were not likely consensual. Mr. Webb was never placed in handcuffs or informed that he was under arrest, however, there is no evidence provided that he explicitly gave his consent to the interview. He was allowed to leave the scene seven minutes after the stop; as was documented by all four of the officers’ Daily Activity Reports (10:35-10:42).

Observation to Promote Constructive Police/Community Interactions

The community should know that MDPD considers “field interviews” as a method to prevent and deter crime, and police officers can legally detain and fill out a Field Investigation Report on any citizen, “without the need for an officer to possess probable cause, founded suspicion, or any other information indicating illegal activity.”¹

Police officers should remember that “effective law enforcement depends on a high degree of cooperation between the Department and the public... [Officers] shall be courteous and civil to the public, avoiding harsh, violent, profane, or insolent language or manner, and shall maintain objective attitudes regardless of provocation.”²

Recommendations: Staff recommends that:

1. MDPD clarify its “Justification to Detain for Interview” in the Departmental Manual. As written, the justification is confusing and leaves open too much room for interpretation by officers. The reasons for initiating a Field Interview Report must be clearly stated in order to avoid confusion among police officers and the public.
2. The Panel conclude that complaint.

¹ MDPD Departmental Manual Chapter 25-01 Sec. 9 II

² MDPD Departmental Manual Chapter 12-1 G 1